

Ex. B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

SCOTT AND RHONDA BURNETT, RYAN)
HENDRICKSON, JEROD BREIT, SCOTT)
TRUPIANO, JEREMY KEEL, SHELLEY)
DREYER, HOLLEE ELLIS and FRANCIS)
ARVEY on behalf of themselves and)
all others similarly situated,)
Plaintiffs,)

v.)

THE NATIONAL ASSOCIATION OF)
REALTORS, REALOGY HOLDINGS CORP.,)
HOMESERVICES OF AMERICA, INC., BHH)
AFFILIATES, LLC, HSF AFFILIATES,)
LLC, RE/MAX LLC, and KELLER)
WILLIAMS REALTY, INC.,)
Defendants.)

30(b)(6) HIGHLY CONFIDENTIAL VIDEO DEPOSITION
OF RODNEY GANSO
CHICAGO, ILLINOIS

Wednesday, August 3, 2022, 9:07 a.m.

Job No.: 5320843

1 with you on the one that's dated September 28th,
2 2019. Hang on. The one that says -- one of your
3 members wrote:

4 NAR, don't do this. Brokers can manage
5 this process. We don't need any more mandatory
6 regulations.

7 That's what they -- NAR was told, correct?

8 A That was one comment from the hundreds of
9 pages of comments that we have related to this
10 proposal.

11 Q Okay. I'm not asking you how many pages
12 of comments; I'm asking you if NAR was told that.

13 A That is a comment that was shared with us.

14 Q Going down here, another comment that was
15 shared:

16 Sounds like this will only strengthen the
17 case of the lawsuit filed against all the
18 associations and multiple listing services and big
19 brokers.

20 Do you see that?

21 A I see that.

22 Q You understand that was part of this case,
23 that one of the things that we're arguing as one
24 of the illegal restraints of trade is this very
25 Clear Cooperation Policy. You know that, do you

1 the Clear Cooperation Policy that was being
2 advocated, correct?

3 A That is correct, Counsel.

4 I'll add that there were many comments in
5 support of the proposal.

6 I'll also add that there was an
7 educational element as to what the proposal itself
8 meant and how it would be applied, that there was
9 a lot of passion and interest in this, as you can
10 imagine.

11 The committee meeting had over a thousand
12 people in attendance. The vast majority of the
13 people at the committee meeting, after an
14 explanation and a discussion of the proposal and
15 its implementation at the MLS forum, which
16 precedes the committee, and during the committee
17 meeting itself, was in support of the proposal.

18 Q Right.

19 A And then ultimately the NAR board of
20 directors voted to support this 92 percent.

21 Q Now, lots of these comments -- I'm going
22 to continue to go through them, but lots of these
23 comments -- we look at this page, October 21st,
24 2019, there's comments in here that say:

25 If this Clear Cooperation Policy seems

1 that this violates the Sherman Antitrust Act, we
2 have a duty to the seller, not the MLS. That's
3 what it states, correct?

4 A That is what that says, correct.

5 Q I've been through every one of these
6 comments that you've talked about, all these
7 different comments. I don't see anybody in here
8 saying this isn't a violation of antitrust. I
9 mean, there's no comments that you can sit there
10 now and point to and show me what they said. That
11 can't --

12 MR. GLASS: Object to form.

13 THE WITNESS: Do you want me to stop and
14 read through all of this, Counsel?

15 BY MR. KETCHMARK:

16 Q No, I know you probably did in the 30
17 hours you prepared for the deposition, so I'm not
18 going to have you do that now.

19 Let's go back and look at another comment
20 that was made:

21 I think it's important that Realtors do
22 what's best for our clients, not what's best for
23 our broker's business model. If a property is
24 available for any agent to show, it should be
25 available for all agents to show.

1 Q As part of the defense of NAR in this
2 case, are you going to rely upon what legal advice
3 you were given with respect to the Clear
4 Cooperation Policy?

5 MR. GLASS: No.

6 MR. KETCHMARK: Thank you.

7 BY MR. KETCHMARK:

8 Q Another person told you:

9 While I agree with this in theory, doesn't
10 such a theory constitute a monopoly?

11 Do you see that?

12 A That's what that says, yes.

13 Q They don't use the word "antitrust
14 violation" or "Sherman antitrust violation." What
15 they say is it would be -- wouldn't it be a
16 monopoly. That's what they ask, right?

17 MR. GLASS: Object to form.

18 THE WITNESS: That's what that says, yes.

19 BY MR. KETCHMARK:

20 Q Another one:

21 NAR needs to understand its place, you
22 force brokers to be members so they can use the
23 MLS and then control the company by creating rules
24 we need to follow to stay in MLS, you do this
25 under the flat of "What's best for the public" but